

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 13, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM APRIL 8, 2014

III. STAFF COMMENTS AND PROCEDURES

1. Preliminary Plat – Chaffin Woods – Lot 1 – Brixey Engineering
2. Final Plat – Chaffin Woods – Lot 1 – Brixey Engineering
3. Rezoning #11-5-14; A request by Mickle-Wagner-Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from:
 - A. Not Zoned to Industrial-1 by Classification located at 10300 Roberts Boulevard; 12201 Roberts Boulevard and 8201 Flagstone Road and from Not Zoned to Industrial-1 by Extension located at 8100 Chad Colley.
 - B. Not Zoned to Industrial-2 by Classification located at 8201 Chad Colley.
 - C. Not Zoned to Industrial-3 by Classification located at 10000 Roberts Boulevard.
4. Conditional Use #5-5-14; A request by Eloy Tarin & Yolanda Tarin, agent for Dale Allen, for a conditional use for a church located at 821 North 10th Street.

5. Conditional Use #6-5-14; A request by Tyson Washburn, agent for Jerald Baker & Aaron Littlefield III, for a conditional use for a bus station and terminal located at 3401 Cavanaugh Road.
6. Conditional Use #7-5-14; A request by James M. Reddick, agent for the Salvation Army, for a conditional use for a private vegetable garden located at 518 North 4th Street.
7. Home Occupation #4-5-14; A request by Jeremiah James for a home occupation for a custom container gardens business located at 3301 Londonderry Road.
8. Unified Development Ordinance Amendments

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

9. Variance #17-5-14; A request by Jessica Hougen & Blake Vaughn for a variance from 5 feet to 0 feet rear yard setback and from the requirement that accessory structures shall be incidental and subordinate to the principal structure located at 419 North 19th Street.
10. Variance #18-5-14; A request by Andre Good, agent for Lorraine Booker for a variance from 20 feet to 8 feet and from 20 feet to 18 feet front yard setback at 1421 North 21st Street

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
APRIL 8, 2014**

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Vickie Newton, Michelle Hood, Bob Cooper, Jr., Richard Spearman, Don Keesee and Rett Howard. Commissioner Jennifer Parks was absent.

Chairman Sharpe called for the vote on the minutes from the March 11, 2014, Planning Commission meeting. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. CONSENT AGENDA

- A. Preliminary Plat – Massard Square “Chaffee Crossing” – Brixey Engineering**
- B. Final Plat – Leigh Avenue Business Park – Lot 1-3 – Morrison-Shipley Engineers**
- C. Conditional Use #4-4-14; A request by the City of Fort Smith for a conditional use for a water park located at 7300 Zero Street.**
- D. Home Occupation #3-4-14; A request by Lindsey Lorenz for an internet sales business located at 419 South 14th Street.**

Mr. Wally Bailey read the consent agenda items and noted that unless a Planning Commissioner or member of the audience would like to have an item pulled from the agenda and heard separately, the Consent Agenda items would be voted on as one item. No one requested an item from the consent agenda be pulled.

Chairman Sharpe then called for the vote on Consent Agenda items #1A-1D. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend these requests to make approval subject to all staff comments and

recommendations. Chairman Sharpe then called for the vote on the consent agenda items as amended. The vote was 8 in favor and 0 opposed.

2. **Rezoning #9-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for a zone change from Transitional and Commercial-5-Special to Commercial Light (C-2) by Extension located at 1701 Grand Avenue. (companion item to items #3 & #6)**
3. **A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for development plan approval for a neighborhood store (Dollar General) located at 1701 Grand Avenue.**
6. **Variance #11-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John and Janice Moir and Pat McGowan, for a variance from 30 feet to 9 feet rear yard setback; from 200 feet to 170 feet minimum distance between adjacent driveways; from the screening requirement for mechanical equipment (scissor lift); and from 43 to 38 minimum number of parking spaces located at 1701 Grand Avenue. (companion item to items #2 & #3)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the construction of a Dollar General Plus. Ms. Rice stated that the new store would be the prototype for Dollar General Plus stores in the Fort Smith area and will sell the normal items sold at the stores plus produce.

Ms. Rice stated that a neighborhood meeting was held on Thursday, March 27, 2014, at 1:00 p.m. at 4611 Rogers Avenue with two people in attendance who voiced no objections to the proposed project.

Mr. Stuart Ghan was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

6. **Variance #11-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John and Janice Moir and Pat McGowan, for a variance from 30 feet to 9 feet rear**

yard setback; from 200 feet to 170 feet minimum distance between adjacent driveways; from the screening requirement for mechanical equipment (scissor lift); and from 43 to 38 minimum number of parking spaces located at 1701 Grand Avenue. (companion item to items #2 & #3)

Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the submitted development plan.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

RECESS BOARD OF ZONING ADJUSTMENT RECONVENE PLANNING COMMISSION

- 2. Rezoning #9-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for a zone change from Transitional and Commercial-5-Special to Commercial light (C-2) by Extension located at 1701 Grand Avenue. (companion item to items #3 & #6)**

Motion was made by Commissioner Keesee, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to development plan approval by the Planning Commission for any future development.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper).

- 3. A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for development plan approval for a neighborhood store (Dollar General) located at 1701 Grand Avenue. (companion item to items #2 & #6)**

Motion was made by Commissioner Cox, seconded by Commissioner Keesee and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than described in this section will require Planning Commission approval.

- A final landscape plan shall be submitted for review and approval upon submittal of construction plans for building permit.
- A final lighting plan shall be submitted for review and approval upon submittal of the construction plans for building permit.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 6 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

4. Rezoning #10-4-14; A request by Brandon Woodrome for a zone change from Not Zoned to a Planned Zoning District located at 7900 Massard Road.

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for a mixed use development of four (4) commercial buildings for office and retail, a sports bar/pub, 6 duplexes, 3 triplexes with garages, 1 five-unit apartment with garages and 2 six-unit apartments with garages. Ms. Andrews stated that the proposed Planned Zoning District would provide a mixed-use development in a walkable neighborhood.

Ms. Andrews noted that a neighborhood meeting was held on Tuesday, March 25, 2014, at 5:30 p.m. at the Fort Smith Public Library Main Branch at 5:30 p.m. with no neighboring property owners in attendance.

Mr. Brandon Woodrome was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

- 5. A request by Stuart Ghan, agent for Doris J. Mays, for development plan approval for a neighborhood store (Dollar General) located at 3715 Mussett Road. (companion item to item #7)**
- 7. Variance #12-4-14; A request by Stuart Ghan, agent for Doris J. Mays, for a variance from 37 to 35 minimum number of parking spaces and from 10' to 4' width of perimeter landscaping located at 3715 Mussett Road. (companion item to item #5)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to facilitate the development of a neighborhood store (Dollar General).

Mr. Stuart Ghan was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

**RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT**

- 7. Variance #12-4-16; A request by Stuart Ghan, agent for Doris J. Mays, for a variance from 37 to 35 minimum number of parking spaces and from 10' to 4' width of perimeter landscaping located at 3715 Mussett Road. (companion item to item #5)**

Motion was made by Commissioner Howard, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the submitted development plan.

Chairman Sharpe called for the vote on the variance request as amended. The vote was 7 in favor and 1 abstention (Cooper).

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

- 5 A request by Stuart Ghan, agent for Doris J. Mays, for development plan approval for a neighborhood store (Dollar General) located at 3715 Mussett Road. (companion item to item #7)**

Motion was made by Commissioner Cox, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Compliance with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than described in this section will require Planning Commission approval.

- A final landscape plan shall be submitted for review and approval upon submittal of construction plans for a building permit.
- A final lighting plan shall be submitted for review and approval upon submittal of the construction plans for building permit.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 7 in favor and 1 abstention (Cooper).

RECESS PLANNING COMMISSION RECONVENE BOARD OF ZONING ADJUSTMENT

- 8. Variance #13-4-14; A request by Shaun Wells for a variance from 25 feet to 8.8 feet front yard setback and from 7.5 feet to 7.2 feet interior side yard setback located at 2321 South "T" Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow for the construction of a carport on the front of the residence. Ms. Rice stated that the applicant has indicated his father is in a wheelchair and needs protection from the weather to enter and exit the house and there is no other location on the property to install the covered parking.

Ms. Rice noted that a neighborhood meeting was held on Friday, March 28, 2014, at 2321 South "T" Street with no neighboring property owners attending the meeting.

Mr. Shaun Wells was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the variance request. The vote was 8 in favor and 0 opposed.

- 9. Variance #15-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for a variance from 20 feet to 15 feet exterior side yard setback located at 323 South 14th Street.**
- 10. Variance #16-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for the following variances located at 1409 and 1411 South "C" Street:**

(A) 1) From 5,000 square feet to 3,377 square feet minimum lot area; 2) from 50 feet to 45 feet minimum lot frontage; and 3) from 10 feet to 4.3 feet minimum building separation

(B) 1) From 20 feet to 8 feet front yard setback; 2) and from 5 feet to 1.6 feet interior side yard setback; to allow for an existing duplex

(C) 1) From 10 feet to 0 feet rear yard setback; 2) and from 5 feet to 0.6 feet interior side yard setback; to allow for an existing concrete block accessory structure.

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the existing property to be split into two lots. Ms. Andrews stated that these variances would bring the existing residence, existing duplex and storage building into compliance with the zoning code.

Mr. Ivan Hoffman was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Chairman Sharpe called for the vote on these variance requests.

- 9. Variance #15-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for a variance from 20 feet to 15 feet exterior side yard setback located at 323 South 14th Street.**

The vote on this variance request was 8 in favor and 0 opposed.

- 10. Variance #16-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for the following variances located at 1409 and 1411 South "C" Street:**

(A) 1) From 5,000 square feet to 3,377 square feet minimum lot area; 2) from 50 feet to 45 feet minimum lot frontage; and 3) from 10 feet to 4.3 feet minimum building separation.

(B) 1) From 20 feet to 8 feet front yard setback; 2) and from 5 feet to 1.6 feet interior side yard setback; to allow for an existing duplex

(C) 1) From 10 feet to 0 feet rear yard setback; 2) and from 5 feet to 0.6 feet interior side yard setback; to allow for an existing concrete block accessory structure.

The vote on this variance request was 8 in favor and 0 opposed.

11. Variance #14-4-14; A request by Craig Roberts, agent for JiPing Chen and Steve Chen, for a variance from Section 27-704-4(C) to allow for the relocation of a nonconforming outdoor advertising sign located at 5819 Rogers Avenue.

Mr. Wally Bailey read the staff report indicating that the purpose of this variance request is to allow for an existing nonconforming outdoor advertising sign to be relocated 310' east of its current location.

Mr. Bailey stated that a neighborhood meeting was held Monday, March 31, 2014, at 5819 Rogers Avenue with no neighboring property owners in attendance. Mr. Bailey noted that Mr. Roberts has submitted a letter stating that in addition to permanently removing the 10' x 30' billboard located at 3427 Grand Avenue, he also will remove the existing 10' x 10' Peking Palace on premise sign in exchange for this variance to relocate the existing billboard sign located at 5711 Rogers Avenue approximately 300 feet east.

Mr. Bailey noted that if the variance is denied, the nonconforming sign on Rogers Avenue would have to be removed but a credit would remain in the sign bank which would allow RAM to install an outdoor advertising sign at a conforming location.

Mr. Craig Roberts was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, motion was made by Commissioner Cox, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Removal of a nonconforming sign located at 3427 Grand Avenue which will be permanently deleted from the sign bank.
- Clean up and removal of the sign located on Rye Hill Road.
- Removal of the pole and 10' x 10' Peking Palace sign located at 5819 Rogers Avenue.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor and 2 opposed (Keese, Cooper)

Meeting Adjourned!

SUBDIVISION COMMENTS

May 13, 2014

1. Chaffin Woods, Lot 1 – Preliminary Plat – Brixey Engineering

Zoning Designation: Residential Multi-Family Low Density (RM-2)

Land Use: Provides locations for low to medium density detached single family homes and duplexes in areas characterized by similar development.

Proposed Use: Multifamily Development (multiple duplexes)

Staff recommends approval with the following conditions:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

2. Chaffin Woods, Lot 1 – Final Plat – Brixey Engineering

Zoning Designation: Residential Multi-Family Low Density (RM-2)

Land Use: Provides locations for low to medium density detached single family homes and duplexes in areas characterized by similar development.

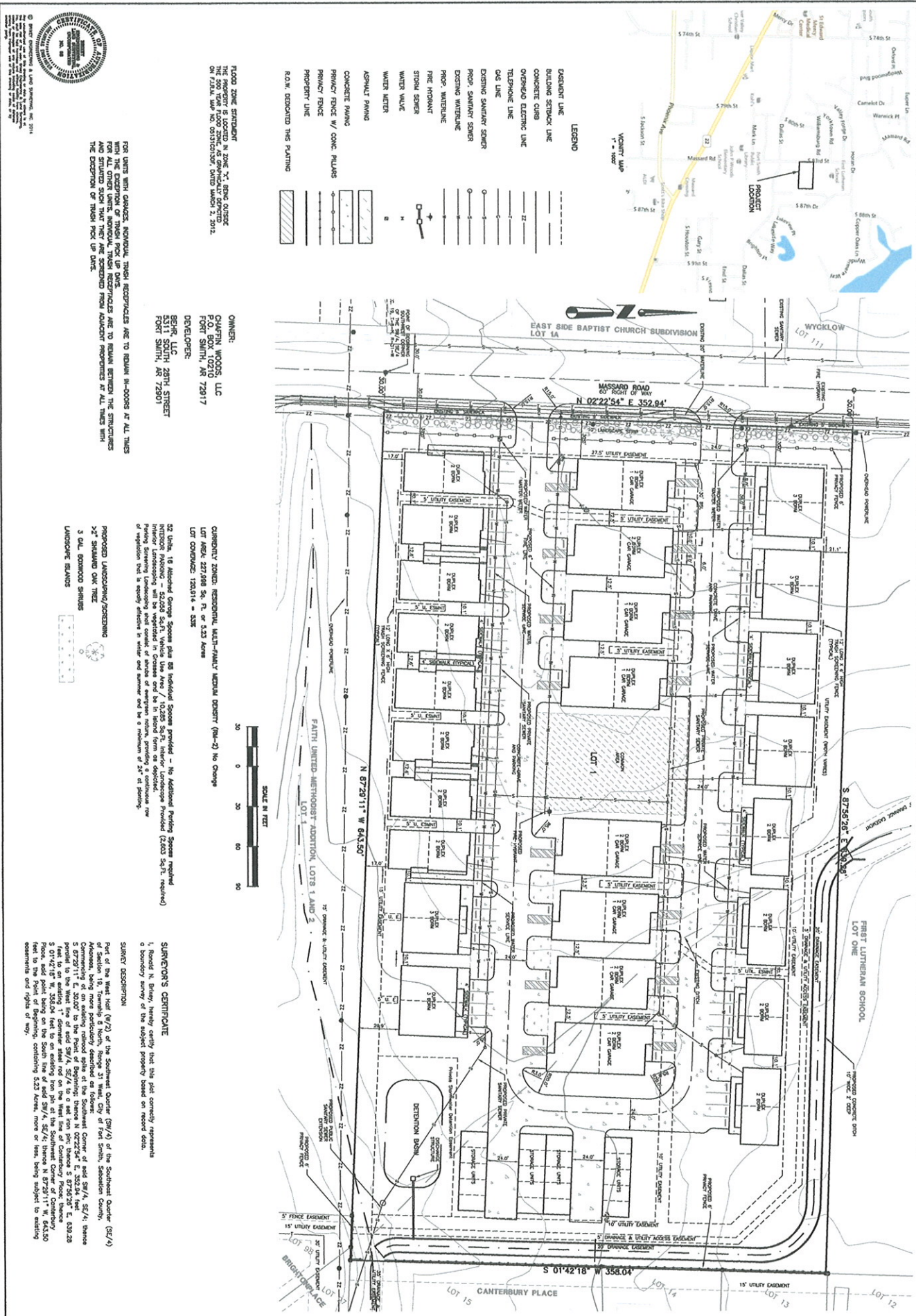
Proposed Use: Multifamily Development (multiple duplexes)

We recommend approval of the final plat with the following condition:

- 1) The construction plans for the off-site public improvements must be approved by the city. The improvements shall be bonded or built and accepted by the city prior to the filing of the final plat.

After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.

1, 2



- NOTES:
1. The Plot filed for the Purpose of Ploching on Record Lot 1.
 2. A one-half inch ruler with a yellow cap stamped LS 888 or on existing iron pin at each Lot Corner.
 3. Survey based upon existing monumentation on site as well as monumentation found for Canterbury Place and Brightonplace.
 4. The finished floors of all structures are to be constructed a minimum of 1.0 feet above the 100 year flood plain elevation as determined by an approved engineering study.
 5. Driveways and parking areas, as well as public utility and drainage easements may be used to provide access to improvements for all franchise utilities, sewers, waterlines, and drainage structures.

DEDICATION

The right-of-way as shown on this plot is hereby dedicated to the City of Fort Smith ("City") for the public use. The easements shown on this plot are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated on a utility easement is dedicated to the City for the purpose of providing utility services to the City. The City and City franchise utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed from the dedicated easements trees, shrubs and other vegetation that interfere with the utility lines. The City may modify, release or vacate the individual lots is defined, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

Private Stormwater Detention Easement

The installation and future maintenance of the stormwater detention facility is a condition of the approval of this plot. The private stormwater detention easement is a perpetual easement for the purpose of providing stormwater detention services to the City. The City and City franchise utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed from the dedicated easements trees, shrubs and other vegetation that interfere with the utility lines. The City may modify, release or vacate the individual lots is defined, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

PLANNING COMMISSION APPROVAL

Chairman _____ Date _____
Secretary _____

ALLOTTERS:

Jeff Palmer, Managing Partner

STATE OF ARKANSAS COUNTY OF SEBASTIAN

Sum to and subscribed before me this day _____
History Public _____
My Commission Expires _____

FILED FOR RECORD this _____ day of _____
2014 at _____ o'clock _____ m.

By _____
Clerk and Ex Officio Recorder

OWNER:
CHAFFIN WOODS, LLC
P.O. BOX 10210
FORT SMITH, AR 72917

SURVEYOR'S CERTIFICATE

I, Ronald N. Briley, hereby certify that this plot correctly represents a boundary of the subdivision shown hereon based on record data.



Ronald N. Briley
Registered Professional Engineer
Arkansas Reg. No. 4456

Ronald N. Briley
Registered Land Surveyor
Arkansas Reg. No. 988

SURVEY DESCRIPTION

Part of the West Half (W/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SE/4) of Section 19, Township 8 North, Range 31 West, City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing rebar stake at the Southwest Corner of said SW/4 of the SE/4, thence S 87°29'11" E, 30.00 feet to the Point of Beginning, thence N 02°22'54" E, 352.94 feet parallel to the West line of said SW/4 of the SE/4 to a set iron pin, thence S 87°36'26" E, 639.28 feet to an existing 1" diameter steel rod on the West line of said SW/4 of the SE/4, thence S 01°42'18" W, 358.04 feet to an existing iron pin at the Southeast Corner of said SW/4 of the SE/4, said point being on the South line of said SW/4 of the SE/4, thence N 87°29'11" W, 643.50 feet to the Point of Beginning, containing 0.23 Acres, more or less, being subject to public road rights of way and existing easements.

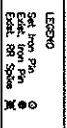
CHAFFIN WOODS

BEING A PART OF THE W/2 OF THE SW/4 OF THE SE/4
SECTION 19, TOWNSHIP 8 NORTH, RANGE 31 WEST
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

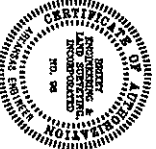
MAY 2014

BRILEY ENGINEERING & LAND SURVEYING, INC.

LAND SURVEYING - CONSULTING SERVICES
P.O. Box 1180 Ft. Smith, AR 72903 (501)946-4394



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This map was prepared by Ronald N. Briley, a Registered Professional Engineer and Registered Land Surveyor in the State of Arkansas. It is a true and correct copy of the original map as filed for record in the Office of the County Clerk of Sebastian County, Arkansas, on May 2, 2014.



Memo

To: City Planning Commission

From: Planning Staff

Date: April 30, 2014

Re: Rezoning #11-5-14- A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from: 1) Not Zoned to Industrial Light (I-1) by classification at 10300 Roberts Boulevard; 12201 Roberts Boulevard; and 8201 Flagstone Road; and from Not Zoned to Industrial Light (I-1) by extension at 8100 Chad Colley; and 2) From Not Zoned to Industrial Moderate (I-2) by classification at 8201 Chad Colley; and 3) from Not Zoned to Industrial Heavy (I-3) by classification at 10000 Roberts Boulevard

PROPOSED ZONING

The purpose of these zonings is to establish zoning on property as it is currently developed and to be consistent with the master land use plan. The rezoning includes three existing developments: Graphics Packaging, Inc., Mitsubishi, and Mars Petcare and three undeveloped tracts. The total acreage of the properties included in this rezoning request is 275.96.

LOT LOCATION AND SIZE

Sites Proposed as Industrial Light (I-1):

- The property at 10300 Roberts Boulevard (Graphic Packaging) is located on the south side of Roberts Boulevard southeast of the intersection of Roberts Boulevard and Flagstone Road
- The undeveloped property at 12201 Roberts Boulevard is located on the north side of Roberts Boulevard the northeast intersection of Roberts Boulevard and Chad Colley Boulevard
- The undeveloped property at 8201 Flagstone Road is located on the southeast end of Flagstone Road
- The undeveloped property at 8100 Chad Colley Boulevard is located on the West side of Chad Colley Boulevard between Roberts Boulevard and Custer Boulevard

The four (4) properties proposed as Industrial Light contain an approximate total combined acreage of 145.50 acres.

Site Proposed as Industrial Moderate (I-2)

- The property located at 8201 Chad Colley Boulevard (Mitsubishi) is located on the east side of Chad Colley Boulevard northwest of the Chad Colley Boulevard and Custer Boulevard intersection. This property contains an approximate area of 90 acres.

Site Proposed as Industrial Heavy (I-3):

- The property located at 10000 Roberts Boulevard (Mars Petcare) is located on the south side of Roberts Blvd southeast of the Roberts Boulevard and Chad Colley Boulevard intersection. This property contains an approximate area of 40.45 acres

REQUESTED ZONING

The proposed zoning district for 10300 Roberts Boulevard (Graphic Packing), 12201 Roberts Blvd, 8201 Flagstone Road, and 8100 Chad Colley Boulevard is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning for 8201 Chad Colley Boulevard (Mitsubishi) is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1), 27-431(C) 3
	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres	Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 50 feet	
Side Yard on Street Side of Corner Lot - 50 feet	
Side Yard Setback – 25 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Minimum building separation – to be determined by current City building and fire code.	

Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning for 10000 Roberts Boulevard (Mars Petcare) is Industrial Heavy (I-3). Characteristics of this zone are as follows:

Purpose:

To accommodate a wide variety and intensity of industrial uses, some of which may have significant external impacts. This may include areas of heavy and concentrated fabrication, manufacturing, and industry. The I-3 zoning district requires readily available and adequate public facilities and services, including access to major transportation hubs (rail, river, or highway-interstate). The I-3 zone must be located so as to minimize conflicts with other land uses. Industrial Heavy zoning is appropriate in the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Pet cemetery, explosives manufacturing, petroleum and coal products, bus station and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1), 27-431(C) 3
	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 20 acres	
	Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 100 feet	
Side Yard on Street Side of Corner Lot - 100 feet	
Side Yard Setback – 50 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Arterial or higher	

SURROUNDING ZONING AND LAND USE

All of the surrounding areas for the rezoning sites are either zoned Industrial Light or not zoned and are developed as industrial land uses or undeveloped.

LAND USE PLAN COMPLIANCE

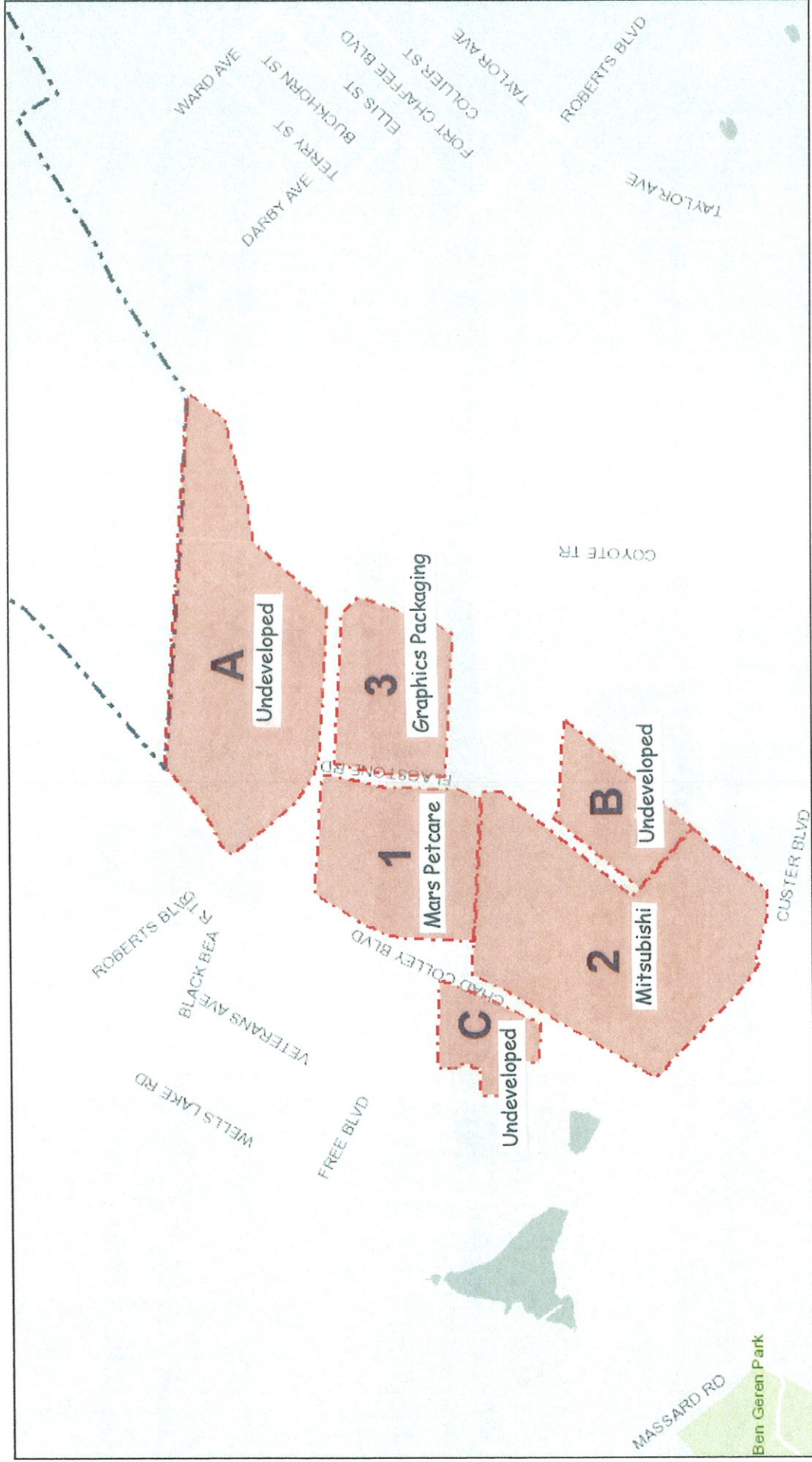
The *Chaffee Crossing Redevelopment Plan* currently classifies the subject areas as Mixed Use: Industrial/Office. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, establish a strong street presence, and promote parking on the sides and rear of the buildings. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, May 8th, 2014 at 7020 Taylor Avenue (FCRA Offices). No surrounding property owners attended the meeting. Staff has received no objections to the proposed rezoning.

Based on the compatibility of the existing land use classification with the proposed industrial zoning districts, staff recommends approval of the proposed zoning requests.

Rezoning #11-5-14



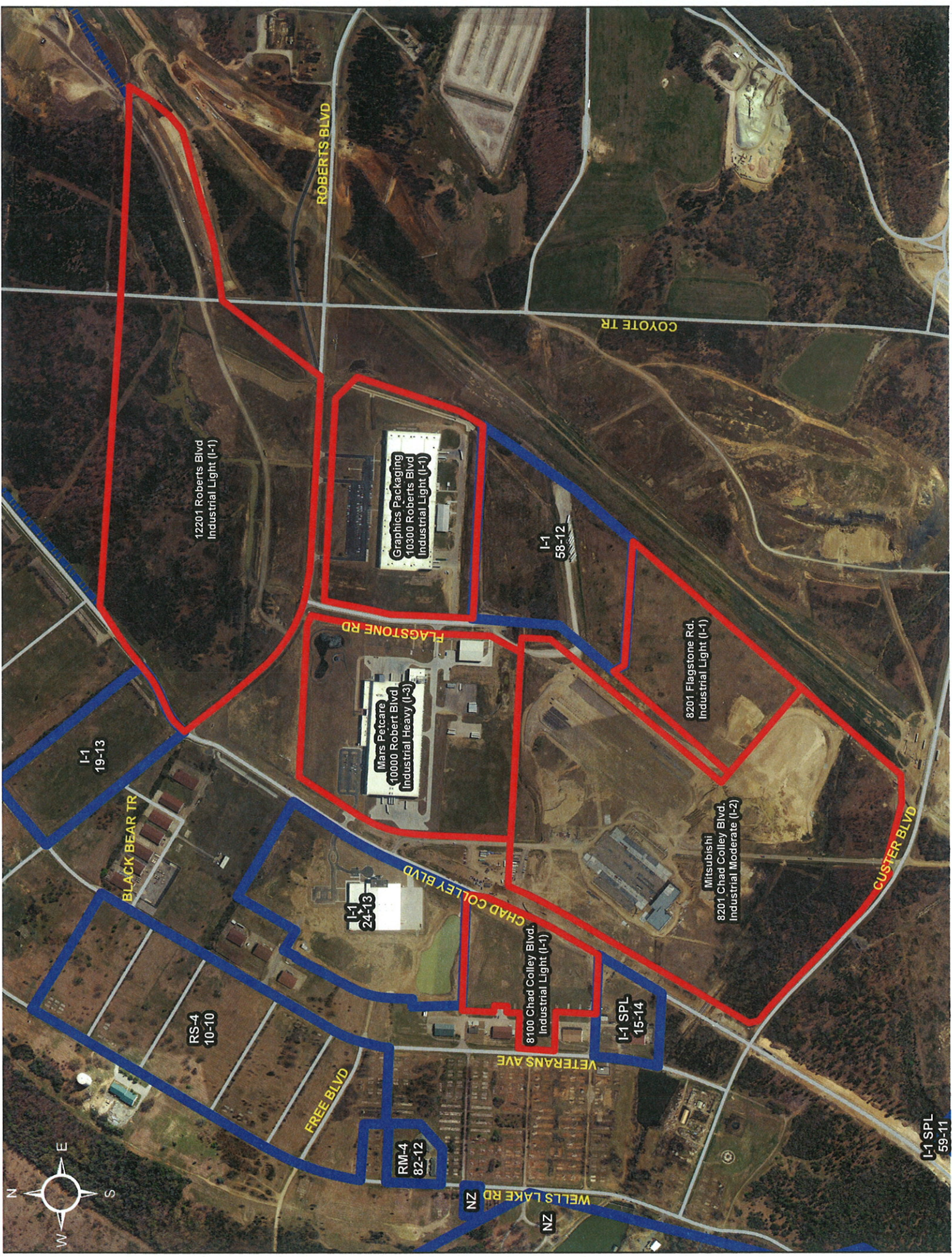
May 2, 2014

I.J. Fort Smith City Limits

1.	10000 Roberts Blvd.	Mars Petcare	Industrial heavy (I-3)
2.	8201 Chad Colley Blvd.	Mitsubishi	Industrial Moderate (I-2)
3.	10300 Roberts Blvd.	Graphics Packaging	Industrial Light (I-1)
A.	12201 Roberts Blvd.	Undeveloped	Industrial Light (I-1)
B.	8201 Flagstone Road	Undeveloped	Industrial Light (I-1)
C.	8100 Chad Colley Blvd.	Undeveloped	Industrial Light (I-1)

1:14,163
0 0.125 0.25 0.5 ft
0 0.2 0.4 0.8 m

37



ROBERTS BLVD

COYOTE TR

12201 Roberts Blvd
Industrial Light (I-1)

Graphics Packaging
10300 Roberts Blvd
Industrial Light (I-1)

I-1
58-12

FLAGSTONE RD

Mars Petcare
10000 Robert Blvd
Industrial Heavy (I-3)

8201 Flagstone Rd,
Industrial Light (I-1)

I-1
19-13

BLACK BEAR TR

RS-4
10-10

I-1
12413

CHAD COLLEY BLVD

8100 Chad Colley Blvd,
Industrial Light (I-1)

Mitsubishi
8201 Chad Colley Blvd,
Industrial Moderate (I-2)

CUSTER BLVD

VETERANS AVE

RM-4
82-12

I-1 SPL
15-14

I-1 SPL
59-11

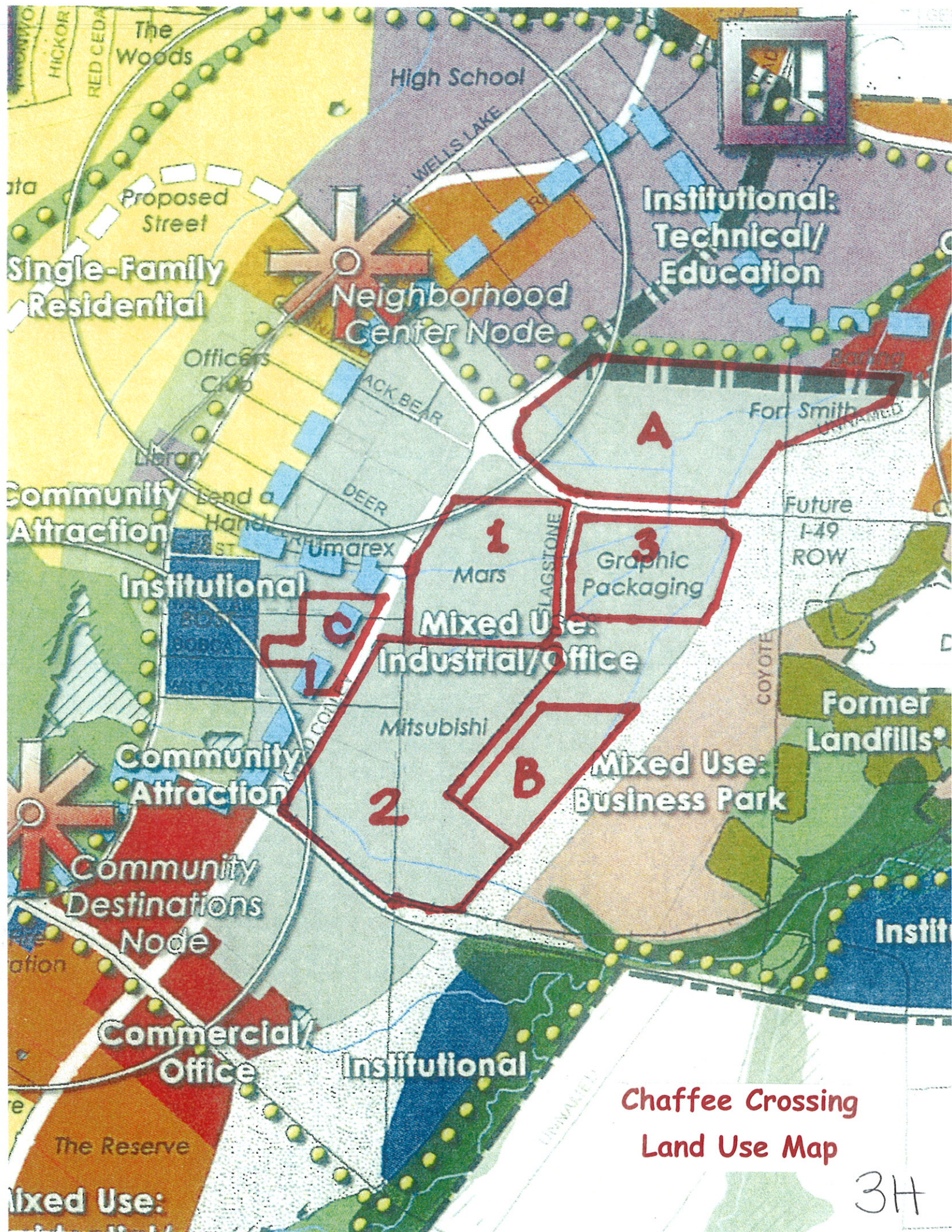
FREE BLVD

NZ

NZ

WELLS LAKE RD





Neighborhood Meeting Minutes
FCRA/CITY OF FORT SMITH
Zoning of GPI, Mars, Mitsubishi, and miscellaneous parcels
FCRA Offices
May 8, 2014 10:00 AM

A public neighborhood meeting was held Thursday, May 8, 2014 at 10:00 a.m. at the FCRA offices. Those in attendance were Randy Coleman, Tyler Miller, Larry Evans, and Lori Robertson. No members from the neighborhood attended. Attendees left at approximately 10:15 am. See attached sign in sheet.

No phone inquiries were received regarding this project.

Submitted to file and to CFS May 8, 2014.

f:\doc\misc\Neighborhood Meeting Minutes -- Zoning MARS, MIT, GPI @ Chaffee Crossing 050814.doc

FORT SMITH /FCRA ZONING OF MISC PROPERTIES

NEIGHBORHOOD MEETING

May 8, 2014

	<u>NAME</u>	<u>COMPANY</u>	<u>PHONE #</u>
1.	Kathy Coleman	MLK	649 5434
2.	Lenny S. Ford	FCRA	9529954
3.	Tyler Miller	city of Fort Smith	784-2241
4.	LORIE ROBERTSON	FCRA	452-4554
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

Rez. # 11-5-14

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached Legals A, B, & C
and

1. Mars Petcare at Chaffee Crossing, Lot 1
2. Mitsubishi Addition, Lot 1
3. Graphic Packaging at Chaffee Crossing, Lot 1

2. Address of property: 1 - 10000 Roberts Blvd, 2 - 8201 Chad Colley, 3 - 10300 Roberts Blvd, A - 12201 Roberts Blvd, B - 8201 Flagstone Road, C - 8100 Chad Colley

3. The above described property is now zoned: Not Zoned

4. Application is hereby made to change the zoning classification of the above described property to Industrial - 1 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

Property is currently unzoned.

6. Submit any proposed development plans that might help explain the reason for the request.

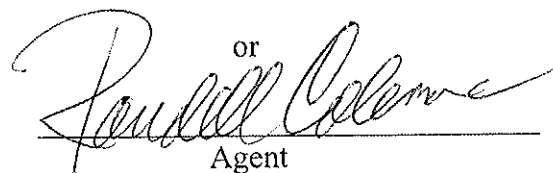
Signed:

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name~~
(please print)

Owner

3434 Country Club Ave, Fort Smith, AR 72903
~~Owner or Agent-Mailing Address~~


or
Agent

479-649-8484
~~Owner or Agent Phone Number~~

3K

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Mickle Wagner Coleman, Inc. to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. FCRA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

My Deen

This form is necessary only when the person representing this request does not own all property.

May 5, 2014

City of Fort Smith Planning and Zoning Department
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

To Whom It May Concern:

Please let this letter serve as authorization for Fort Chaffee Redevelopment Authority, represented by Mr. Ivy Owen, Executive Director, to act as agent for Graphic Packaging International, Inc. solely in connection with the zoning action affecting the property owned by Graphic Packaging International, Inc. at 10300 Roberts Boulevard with the City of Fort Smith.

Regards,



Aaron Mauch, Plant Manager
Graphic Packaging International, Inc.

AM:ll

Cc: Randy Coleman, Mickle Wagner Coleman, Inc.

3M

From: "Brown, Rodger" <Rodger.Brown@mpshq.com>

Date: May 1, 2014 at 2:06:53 PM CDT

To: Ivy Owen <iowen@chaffeecrossing.com>

Subject: Representation in Regard to Zoning Action

May 1, 2014

Re: Representation in Regard to Zoning Action

To Whom IT May Concern:

This letter authorizes Mr. Ivy Owen, under his capacity of Executive Director, Fort Chaffee Redevelopment Authority (FCRA) to act as agent for Mitsubishi Hitachi Power Systems Americas, Inc. (MHPSA), lessee of the property known as the Arkansas Wind Turbine plant located at 8201 Chad Colley Blvd., Fort Smith, Arkansas, solely for the purpose of zoning action(s) with the City of Fort Smith, for a period of sixty days beginning May 1, 2014.

Regards,
Rodger Brown SPHR, GPHR
Senior Manager, Organizational
Development & Corporate Communications
Mitsubishi Hitachi Power Systems Americas Inc.
100 Colonial Center Parkway, Suite 500
Lake Mary, Florida 32746

Mitsubishi Hitachi Power Systems Americas, Inc.

www.MHPowerSystems.com

This message from Mitsubishi Hitachi Power Systems Americas, Inc. contains confidential or proprietary information. The information contained in this e-mail message is intended for the use of the individual(s) or entity to which it is addressed. If you received this transmission in error, please notify the e-mail sender. Thank you.

3 N

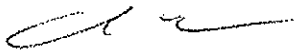
April 30, 2014

City of Fort Smith Planning and Zoning Department
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

To Whom It May Concern:

Please let this letter serve as authorization for Fort Chaffee Redevelopment Authority as Mr. Ivy Owen, Executive Director, to act as agent for Mars Petcare, LLC in the zoning action with the City of Fort Smith.

Regards,



Chris Haas, Plant Manager
Mars Petcare US

CH:ll

Cc: Randy Coleman, Mickie Wagner Coleman, Inc.

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: April 29th, 2014

Re: Conditional Use #5-5-14 - A request by Eloy Tarin & Yolanda Tarin, agent for Dale Allen, for Planning Commission consideration of a Conditional Use request for a church located at 821 North 10th Street.

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for an existing building to be utilized for a small church as shown in the floor plan.

LOT LOCATION AND SIZE

The subject property is on the northwest side of North 10th Street on the corner of North I Street and North 10th Street. The tract contains an area of approximately 0.16 acres with approximately 50 feet of street frontage along North 10th Street and 140 feet of street frontage along North I Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

4A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is developed as an upholstery shop.

The areas to the east are zoned Commercial Heavy (C-5) and are developed as Whit's Marine and Wheeler Power Sports.

The areas to the south and west are zoned Commercial Heavy (C-5) and are developed as single family residences.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

4B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Screening – No amenities have been proposed to screen the existing building.

Parking – The current building has 6 existing parking spaces that the tenant plans on utilizing.

Signage – No new signage has been proposed for the site to be used as a church.

Lighting – No new site lighting will be utilized.

STAFF COMMENTS AND RECOMMENDATIONS

A church would like to utilize the first floor of the building at 821 North 10th Street. No exterior changes to the property are proposed. Enclosed in two letters, the applicants state they will only utilize the first floor of this building. Further, they state any trash they generate will be taken home to be disposed of.

A neighborhood meeting was held Saturday, April 26th 2014 on site. One neighbor attended the meeting but expressed no objections. A meeting summary is enclosed. We've received one phone call from a neighbor expressing concerns about noise and trash.

Staff recommends approval of the application.

IGLESIA APOSTOLICA DE LA FE EN CRISTO JESUS IN THE USA

3701 JENNY LIND RD. FORTT SMITH, AR. 72903

RE: Conditional Use for Church at 821 North 10th Street.

Concerning the Garbage:

The Church will have minimal trash for any of the services. Any trash will be transported home by a church member after a service held.

Thank You

God Bless You

Yolanda Tarín

IGLESIA APOSTOLICA
De la fe en Cristo Jesús
AR, in the U.S.A.
3701 Jenny Lind Road.
Fort Smith, AR 72903
ELOY AND YOLANDA TARIN
CELL: 205-331-9139



IGLESIA APOSTOLICA DE LA FE EN CRISTO JESUS IN THE USA

3701 JENNY LIND RD. FORT SMITH, AR. 72903

RE: Conditional Use for Church at 821 North 10th St.

This letter is to inform that we will only be renting and using the bottom floor of the building at 821 N 10th St. The top floor will be left alone and not used by the church.

Thank You
God Bless You

IGLESIA APOSTOLICA
de la fe en cristo Jesus
AR, in the U.S.A.
3701 Jenny Lind Rd.
Fort Smith, AR 72903
PASTOR: ELOY TARIN S
Cel. 205-331-9139

Eloy Tarín
Pastor

Conditional Use # 5-5-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: IRA INVESTMENTS NO. 4 LLC

Name of Authorized Agent (if applicable): DALE ALLEN

Legal Description of property included in the conditional use request: DELOY TARIN

LOT 7 BLK 58 Original City

Street Address of Property:

821 NO 10TH.

Existing Zoning Classification:

C-5

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

CHURCH

What amenities are proposed such as landscaping and screening?

DELOY TARIN & Yolanda Tarin
Owner or Agent Name (please print)

812 N 12 Fort Smith AR
Owner or Agent Mailing Address

479-658-30-83/561-23-02
Owner or Agent Phone Number

Signed:



Owner

Or

Dale Allen

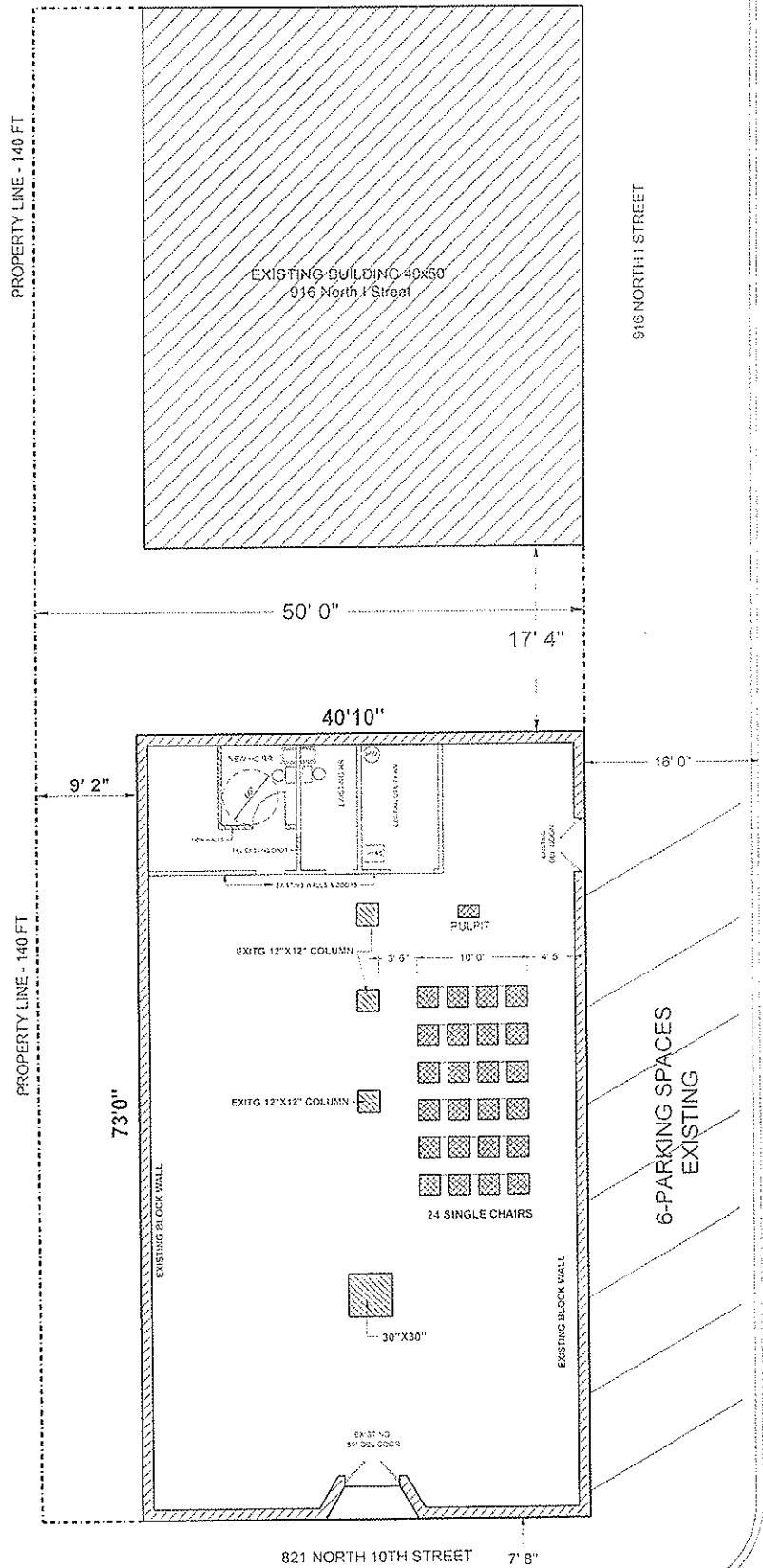
Agent

Fort Smith City Limits

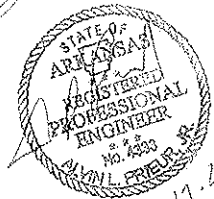
Subdivisions

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

4G



IGIEFIA ATOFTOLICA
DE LA FE EN CRISTO JESUS
PASTOR: ELOY TARIN S
OWNER - RA INVESTMENTS LLC #4



3-17-2017
4H

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: April 30th, 2014

Re: Conditional Use #6-5-14 - A request by Tyson Washburn, agent for Jerald Baker & Aaron Littlefield III, for Planning Commission consideration of a Conditional Use request for a bus station and terminal to be located at 3401 Cavanaugh Road

PROPOSED CONDITIONAL USE

The conditional use if approved will allow a Bus Station terminal to be incorporated in the existing truck stop (Jam Mart) at 3401 Cavanaugh Road. The changes to the site will be minimal adding a bus loading zone and an outside smoking location as shown on the site plan.

LOT LOCATION AND SIZE

The subject property is on the west side of Cavanaugh Road at the intersection of Hwy 71 South and Cavanaugh Road. The tract contains an approximate area of 2.3 acres with 184 feet of street frontage along Cavanaugh Road.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as a truck stop and a manufactured home and mobile home sales and service.

The area to the east is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the south is zoned Commercial Heavy (C-5) and are developed as a truck sales and service.

The area to the west is zoned Commercial Heavy (C-5) and is developed as an oil and gas field equipment shop and yard.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur at the current drive located on Cavanaugh Road

Landscaping – No new landscaping will be proposed.

Screening – An eight feet by eight feet wood slate fence will be installed and designed for a designated smoking area.

Parking – No new parking will be developed for the site. A new bus loading zone will be created for the passengers as shown on the site plan.

Signage – No new signs have been submitted with this development plan. If the bus station terminal is approved the applicant plans on providing a façade signs only.

Lighting – No new site lighting has been proposed.

STAFF COMMENTS AND RECOMMENDATIONS

Jefferson Bus Lines would like to relocate from their existing downtown location. If approved, they will occupy a space within the existing convenience store. The only addition will be a small fenced area for smokers. A neighborhood meeting was held Tuesday, April 29th, 2014 at the site. No neighboring property owners were present at the neighborhood meeting.

Staff recommends approval of the application.

Conditional Use # 6-5-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Littlefield Oil

Name of Authorized Agent (if applicable) Tyson Washburn & Brad Arterbury

Legal Description of property included in the conditional use request:

Lot 5, Subdivision 540 Commercial Park.

Street Address of Property:

3401 Cavanaugh Rd 72908

Existing Zoning Classification:

COMMERCIAL - 5

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Bus station & terminal

What amenities are proposed such as landscaping and screening?

N/A

Tyson Washburn
Owner or Agent Name (please print)

Signed: [Signature]

PO Box 180943 FSM, AR 72918
Owner or Agent Mailing Address

Owner

(479) 462 1082 (Brad)
Owner or Agent Phone Number

[Signature] Or [Signature]
Agent

221-5028

50

Conditional Use #6-5-14: Bus Station & Terminal 3401 Cavanaugh Road



April 22, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

5E



Google Earth

© 2014 Google

feet 500
meters 100

Memo

To: City Planning Commission

From: Planning Staff

Date: May 2, 2014

Re: Conditional Use #7-5-14 - A request by James Reddick, agent, for Planning Commission consideration of a Conditional Use request to develop a Private Vegetable Garden at 518 North 4th Street

PROPOSED CONDITIONAL USE

With the approval of this Conditional Use the Salvation Army would like to develop a private fruit/vegetable garden. The site will include on-site parking and a storage building.

LOT LOCATION AND SIZE

The subject property is on the east side on North 4th Street between North "E" Street and North "F" Street. The tract contains an area of 0.96 acres with approximately 300 feet of street frontage along North 4th Street and approximately 140 feet of street frontage along both North "E" Street and North "F" Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

6A

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Light and developed as a specialty furniture manufacturer and vacant property.

The area to the east is zoned Residential Historic and developed as single family residences.

The area to the south is zoned Industrial Light and Residential Historic and developed as an advertising and marketing business and vacant property.

The area to the west is zoned Commercial Light and Industrial Light and developed as the Community Rescue Mission.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

6B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – A new driveway will be constructed on North 4th Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements.

Landscaping – No landscaping is shown on the site plan. All existing trees that are healthy will remain. All open areas conducive to gardening will be planted with fruits and vegetables.

Parking – A gravel parking lot for six vehicles will be located at the intersection of North 4th Street and North “F” Street.

Signage – No signage to be utilized.

Lighting – No lighting to be utilized.

Fencing – 6’ chain link perimeter fencing will surround the site.

Setbacks – An 8’ x 16’ storage building is proposed and will meet the setbacks.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, May 12, 5:00 p.m, at the Salvation Army headquarters located at 301 North 6th Street. A summary of that meeting will be provided at the planning commission meeting.

In 2002, this property was rezoned from Industrial Moderate (I-2) to RM-4 SPL by Classification to allow the development of transitional housing for the Salvation Army. A condition of the zoning was that the development essentially conformed to the site plan that was approved by the planning commission. Following the rezoning, the Salvation Army decided not to move forward with the transitional housing.

Community gardens or off-site private gardens are not listed uses in the Unified Development Ordinance Land Use Matrix. When uses arise that are not classified in the Land Use Matrix, the director of planning has the authority to make an administrative decision as to the appropriate zones in which an unlisted use will be allowed. Because the proposed off-site garden is located in a residential zoning district and adjacent to single family homes, staff determined that allowing the garden with an approved conditional use was an appropriate process.

6C

Staff recommends approval of the application with the following conditions:

1. All construction must be built in accordance with the approved Development Plan.
2. A building permit is required to be obtained for the storage building, driveway and parking lot.

Conditional Use # 7-5-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Salvation Army

Name of Authorized Agent (if applicable) James M. Reddick

Legal Description of property included in the conditional use request:

Original City, Block K, Lots 1-6

Street Address of Property:

518 North 4th Street

Existing Zoning Classification:

R-4M4Sp1

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Develop a private fruit/vegetable garden for the Salvation Army. The site will also include on-site parking, 8'x6' storage bldg, & 6' chainlink perimeter fencing.

What amenities are proposed such as landscaping and screening?

All healthy trees existing will remain.

Note: No signage or lighting will be utilized.

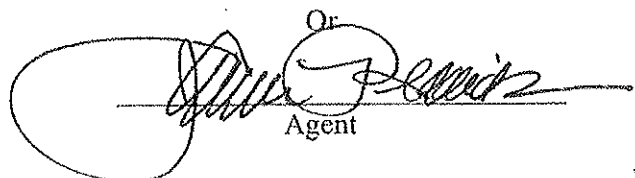
James M. Reddick
Owner or Agent Name (please print)

Signed:





2018 So. N St.; Ft. Smith, AR.
Owner or Agent Mailing Address 72901

Owner

479.629.3547
Owner or Agent Phone Number

Or

Agent

6 E

 Fort Smith City Limits
  Zoning
  Subdivisions
  Building Footprints

518 North 4th Street
Salvation Army – Private Vegetable/Fruit Garden
Site Plan



Memo

To: City Planning Commission

From: Planning Staff

Date: May 2, 2014

Re: Home Occupation #4-5-14 - A request by Jeremiah James, owner, for Planning Commission consideration of a custom container gardens business in a Residential Single Family Medium/High Density zone at 3301 Londonderry Road

PROPOSED HOME OCCUPATION

The applicant would like to create custom container gardens including the germination and propagation of plants in an existing 10' x 10' sunroom on the rear of the house.

LOT LOCATION AND SIZE

The subject property is on the north side of Londonderry Road between Brooken Hill Drive and Bryn Mawr Circle. The tract contains an area of 0.27 acres with approximately 62 feet of street frontage along Londonderry Road.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 6.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Single Family Medium/High Density and are developed as single family residences.

The areas to the east are zoned Residential Single Family Medium/High Density and are developed as single family residences.

The areas to the south are zoned Residential Single Family Medium/High Density and are developed as single family residences.

The areas to the west are zoned Residential Single Family Medium/High Density and are developed as single family residences.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance or (Chaffee Crossing Redevelopment Plan). (A companion item would need to be mentioned here)

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with

this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

We received one phone call in opposition to any home based business in the neighborhood.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
2. The business license cannot be transferred to another residence without a new Home Occupation Application.
3. No commercial trash container will be placed at the residence.
4. No customers shall come to this location.
5. See the attached Home Occupation requirements.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Jeremiah L. James

Legal Description of property included in the home occupation request:

Lot 540

Fianna Hills VI - VII

Street Address of Property: 3301 Londonderry Road Fort Smith AR 72908

Zone Classification: RS-3

Type of Business Requested: creating custom container gardens, germination & propagation of plants.

Signed:

Jeremiah L. James
Applicant's Name (please print)

479-226-1540
Phone Number of Applicant

3301 Londonderry Rd
Applicant Mailing Address

Jeremiah L. James
Applicant

4/16/14
Date

Property Owner

Date

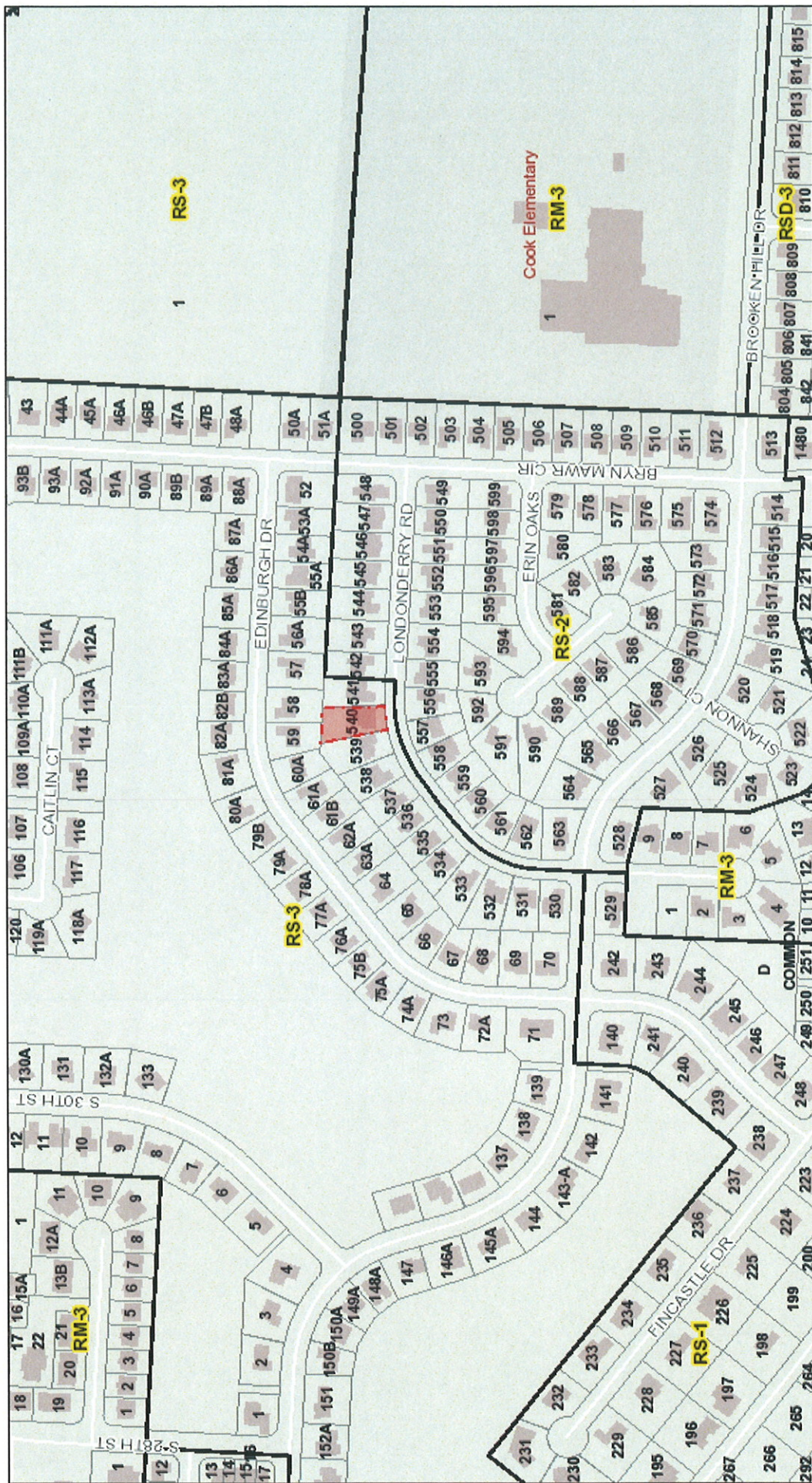
(if rental property)

Home Occ. # 4-5-14

HOME OCCUPATION INFORMATION FORM

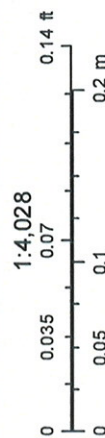
1. Describe what type of business you are requesting. planting / growing
plants for custom container gardens
2. Will this business be completely contained in the residential structure? Yes ☐ No ☒
If no, described location. 10x10 enclosed sun porch at the rear of residence
3. What percentage of the residential floor area will be required to operate the business?
0%
4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒
5. At what hours and days of the week do you plan to operate the business? dawn to dusk Sunday
Through Sat
6. Will there be any noise No, odor No, or other outdoor activity yes
associated with the business? If yes, explain. watering plants
7. Will materials or supplies be stored at this location? Yes ☒ No ☐
8. How much storage will be needed? 100 sq feet (10x10 sun porch)
9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. _____
10. Will you have any business vehicles? Yes ☐ No ☒ If yes, describe below.
Type of Vehicle:
Make _____ Model _____
Color _____ Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☐ No ☒ What type? _____
12. Can you operate this business by appointment only? Yes ☒ No ☐
Explain: containers will be sold at Farmers Market

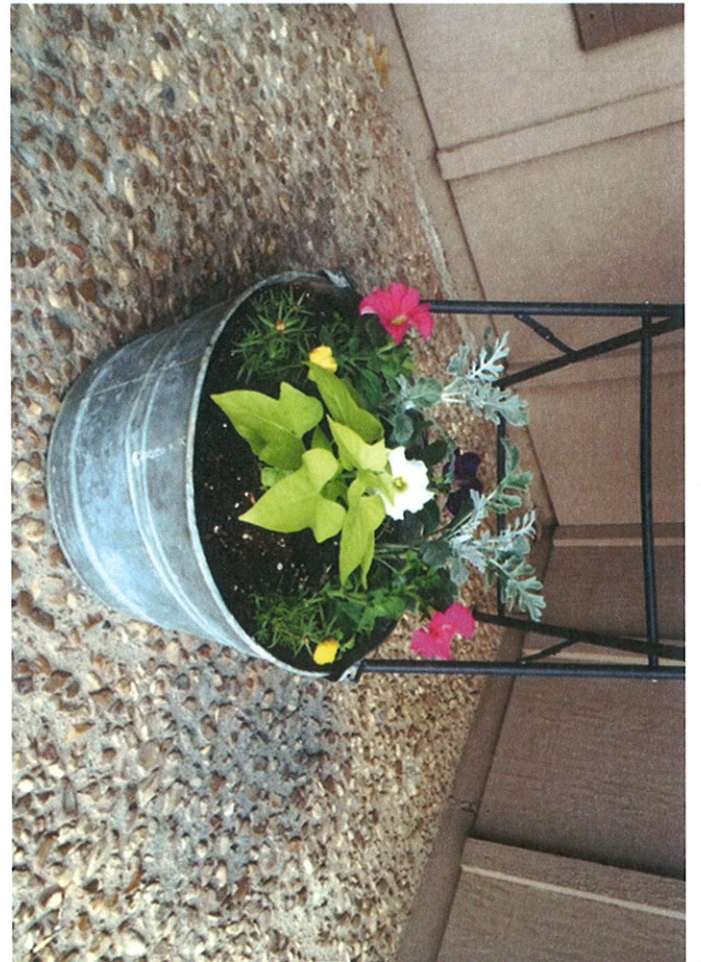
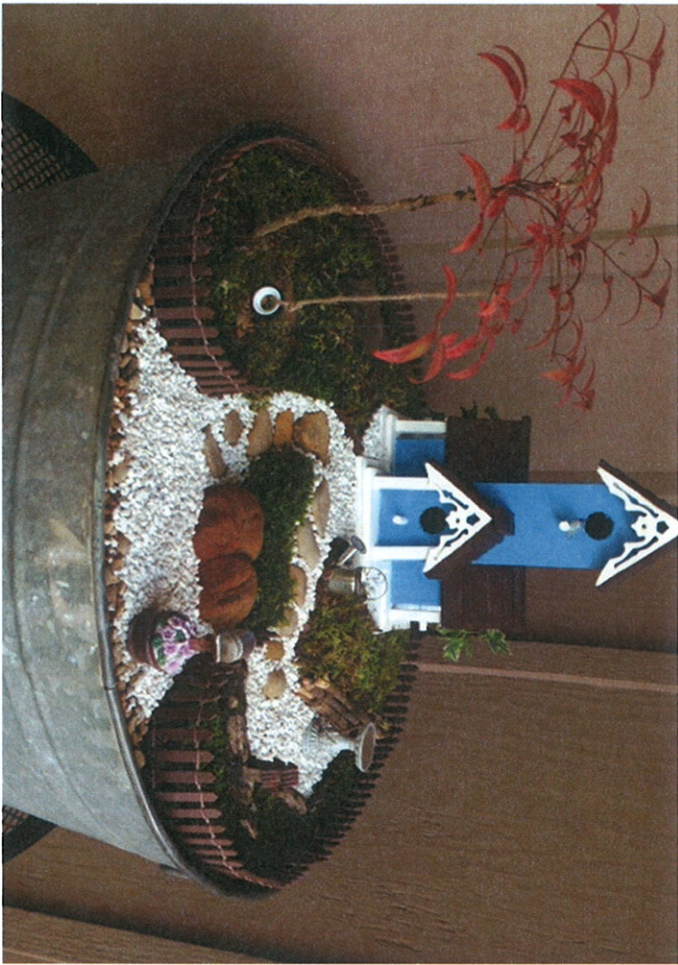
Home Occupation #4-5-14: Container Plants 3301 Londonderry Road



April 22, 2014

- ☒ Fort Smith City Limits
- ☒ Building Footprints
- ☒ Zoning
- ☒ Subdivisions

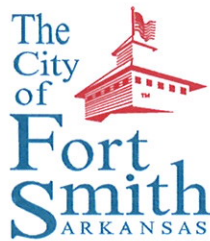








7/12



INTEROFFICE MEMORANDUM

Planning Department

To: File

From: Tom Monaco, City Planner

Date: May 5, 2014

Subject: 3301 Londonderry Road - Home Occupation

I received a phone call today from Donald Palmatary stating that he is opposed to this Home Occupation request. He stated that he is against any Home Occupation application.

Memo

To: City Planning Commission

From: Planning Staff

Date: May 2, 2014

Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff has prepared several amendments for your consideration:

- Several things regularly encroach setbacks even though the code currently prohibits the encroachment. This amendment allows these items to encroach without requesting a zoning variance or being in conflict with the code.
- The other amendments are references within the code that were incorrect. This amendment corrects these code references.

All changes are highlighted on the attached pages.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.

2. Along a private street, setback measurement shall start at a point 25 feet from the street centerline.
3. The following structures may encroach no more than three feet into the required setbacks if: (1) they are approved by the city building official, and (2) provided that they do not cross property lines or utility easements:

a. ~~patios, terraces, walks, and driveways, provided they are at grade and not covered;~~

b. porches, decks landings, and stairs, provided they are for single story buildings and are not covered;

c. play equipment;

d. clothesline poles if not located in the setbacks adjacent to street right-of-way;

e. portable yard furniture;

f. ~~fences;~~

g. overhangs, coves, and cornices as defined in the currently adopted building code may be allowed, provided they do not exceed 3 feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level.

h. mechanical units;

i. area and security lighting fixtures and supports (poles);

4. Setback Averaging. Regardless of the minimum front or rear setback required by the underlying zoning district, front or rear setbacks may be adjusted to the average of the existing setbacks of the lots that are on both sides of the subject lot according to the following:

a. Only the setbacks on the lots that abut each side of the subject lot on the same side of the street as the subject lot may be used.

b. When one abutting lot is vacant or a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

5. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.
6. Except as otherwise provided in individual zone districts and/or overlay districts, signs are to be exempt from setbacks and minimum requirements provided they are erected in compliance with the provisions of the Fort Smith Sign Regulations.
7. Gasoline sales are permitted under the following conditions:
 - a. Pump islands shall be located a minimum of twenty (20) feet from any public right-of-way.
 - b. Island canopy overhangs shall be located at least ten (10) feet from any public right-of-way and must have a height of at least twelve (12) feet. Supportive posts of canopies shall be located at least twenty (20) feet from any public right-of-way.
8. The following structures are exempt from setback regulations as specified below:
 - a. Patios, terraces, walks, and driveways provided they are at grade, do not have enclosed walls or a roof;
 - b. Ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;
 - c. Fences;

D. Height

1. Measurement. Building height is the mean vertical distance from the average ground level at the minimum front setback to the highest permanent part of the building or structure.
2. A structure may not be more than the maximum allowable feet high at the minimum side setback line, but for each addition foot of horizontal setback in excess of the minimum, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.
3. The following structures may be exempted from the height requirements in the various districts if they are not detrimental to neighboring property and are approved by the city building official:

D. District Standards

1. No property shall be zoned or rezoned to this classification unless the property has been (prior to the rezoning) recommended as an historic district by the Historic District Commission and established as a historic district by the Board of Directors.
2. All properties zoned RH shall be subject to the architectural design review requirements set forth in the ordinance creating such property as a historic district.
3. Parking Requirements.
 - a. The Historic District Commission shall review all parking plans to consider the surface paving material, site screening, access drives, and landscape/streetscape elements of the plan.
 - b. A parking lot shall only be allowed in the historic district to serve a permitted use that is located in the district.
4. Signs. The Historic District Commission shall review each "business sign" application to determine its architectural and aesthetic compatibility with the Historic District. The purpose of their review is to assure the preservation of the authentic historic character of the district as nearly as possible. In addition to the review by the Historic District Commission and their determination of the appropriateness of business signs, the following criteria shall govern all business signs in the district:
 - a. Permitted signs.
 1. Business signs as defined in section 27-~~356~~ **200** shall be permitted in the Historic District. A business sign shall not exceed six (6) square feet in area.
 2. Banners, as follows:
 - a. May not exceed an area of six (6) square feet in total area;
 - b. May be displayed only on the outside walls of buildings and may not obscure windows, doors or any other architectural feature;
 - c. Display time is limited as determined by the Historic District Commission;

1. A dense vegetative planting buffer incorporating approved landscaping materials of a variety that shall be equally effective in winter and summer. Approved landscaping materials shall be adequately spaced to form a solid continuous visual screen. Where shrubs are used they shall be evergreen in nature or approved deciduous material, be at least 24 inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of screening/buffering and reach the required height within twenty-four (24) months after the initial installation.
2. A solid masonry or vinyl fence or wall that is compatible with the principal structure or development. Where a masonry or vinyl fence or wall is utilized for the parking lot screening, the perimeter landscaping required by section 27-602-3 (c) must be installed on the right-of-way side of the fence but not in the right of way. Where fences or walls are used they shall be no more than 4 feet in height, as measured from the surface of the parking lot, except for those that are constructed as part of a comprehensive security fence.
3. Earth berms shall be gently rolling in nature so as to appear natural and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1. Where a berm does not reach the minimum required screening height, additional screening measures shall be installed to complement the berm. Berms and approved landscaping materials shall be adequately spaced to form a solid continuous visual screen and reach the required height within twenty-four (24) months after the initial installation.

All parking lot screening shall be a minimum of three (3) feet above the finish elevation of the parking lot. All planted materials shall reach the required height within twenty-four (24) months after the initial installation. Screening shall be installed in a manner so that it does not impair the sight lines of driveways or intersections.

D. Height of Screening. The height of a screening buffer, except for parking lot screening required by section 27-602-3(D C), shall comply with the following:

1. Visual screening walls, fences, or berms and fences in combination shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.
2. Vegetation shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved with vegetation capable of growing up to four (4) to six (6) feet in height within twelve (12) months after the initial installation.

E. Interior Landscaping For Vehicular Use Areas.

Memo

To: City Planning Commission

From: Planning Staff

Date: April 30, 2014

Re: Variance #17-5-14 - A request by Jessica Hougen & Blake Vaughn, owner, for Board of Zoning Adjustment consideration of a zoning variance request (1) from 5' to 0' rear yard setback and (2) from the definition of *Accessory building, structure, or use* requiring that accessory structures shall be incidental and subordinate to the principal structure.

REQUESTED VARIANCE

With the approval of the requested variance the owners will be allowed to construct a new garage on the existing slab. The owners would like to place the new garage on the existing slab to maintain the historic value of the property. The requested variances include (1) from 5' to 0' rear yard setback and (2) from the definition of *Accessory building, structure, or use* requiring that accessory structures shall be incidental and subordinate to the principal structure.

LOT LOCATION AND SIZE

The subject property is on the west side of North 19th Street between North "D" Street and North "E" Street. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along North 19th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

9A

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily High Density and are developed as single family residences.

The areas to the east are zoned Residential Multifamily High Density and are developed as single family residences.

The areas to the south are zoned Residential Multifamily High Density and are developed as single family residences.

The areas to the west are zoned Residential Multifamily High Density and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 19th Street as a Local Road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive

family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

They state to stay true to the historic nature of the neighborhood they would like to build on the existing slab.

STAFF COMMENTS AND RECOMMENDATIONS

This property had a garage that burned in 2009. The applicants would like to build a new garage on the existing slab. Historically, Sanborn maps show a detached garage in this location. An accessory structure is required to be subordinate and incidental to the principal structure. The proposed garage will be slightly taller than the house. The height of the structure will not be out of character with the neighborhood as there are several two story structures nearby.

A neighborhood meeting was held Sunday, May 4, 2014 at 3:00 p.m. at 419 North 19th Street. One neighbor was in attendance and no concerns were expressed. A copy of the attendance record and meeting summary is enclosed.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Var # 17-5-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 8A Block 48 Fitzgerald Addition

Address of property 419 North 19th St. Fort Smith, Existing or Proposed

Zoning Classification RM-4, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

_____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way

_____ - _____ Exterior Side Yard Setback

_____ - _____ Interior Side Yard Setback

5' - 0' Rear Yard Setback -

_____ - _____ Maximum Height of Structure

_____ - _____ Minimum Distance Between Structures on the Same Lot

_____ - _____ Minimum Lot Area (Square Feet)

_____ - _____ Minimum Lot Frontage

_____ - _____ Maximum Size of a Sign

Section 27-200

definition of accessory building, structure, reuse.

Other:

also, a variance from the requirement that accessory structures shall be incidental & subordinate to the principal structure.

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

90

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Jessica Hugen, Blake Vaughn
Owner or Agent Name (please print)

Jessica Hugen
Owner

or

315 681-0579 (cell)
Owner or Agent Phone Number

Agent

419 N. 19th St. Fort Smith AR
Owner or Agent Mailing Address 72901

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

- | | | |
|---------------|---------------|--|
| <u> </u> | <u>X</u> | Is this variance needed because of previous actions taken by yourself? |
| <u>X</u> | <u> </u> | Is this variance needed because of previous actions taken by a prior owner? |
| <u>X</u> | <u> </u> | A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance? |
| <u>X</u> | <u> </u> | Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page. |
| <u> </u> | <u>X</u> | Is the lot of an odd or unusual shape? |
| <u> </u> | <u>X</u> | Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)? |
| <u> </u> | <u>X</u> | Does the lot contain required easements other than those that might be located on its perimeter? |
| <u> </u> | <u>X</u> | Is any part of the lot in a flood plain or flood way? |
| <u> </u> | <u>X</u> | Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? |
| <u> </u> | <u>X</u> | Is the lot developed with structures in violation of current zoning requirements? |
| <u> </u> | <u>X</u> | Does the lot front any street classified as an arterial or collector on the Master Street Plan? |

9F

Explanation of question #4 (if applicable)

Please see attached.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Please see attached.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

Explanation of question #4

The unique circumstance that makes this variance necessary is the pre-existing slab on the property, combined with the historic nature of the neighborhood. The entire area known as the Fitzgerald Addition to the city of Fort Smith belonged to the Catholic Church in the mid-1800s. In 1887, the Church decided to parcel out the land and sell it. This particular plot was sold in 1890. The address of this plot can be found in the City Directories dating back to at least 1897 (the library is missing the couple of years preceding this Directory). There is a house shown at this address on the Sanborn Fire Insurance Map dated 1897. On the Sanborn Map from 1901 a carriage house or garage is shown in the exact location of the existing slab on the property. We would like to build a new garage on this slab, to ensure the historic integrity of the property. We intend to build a structure that will be appropriate to the age and style of the neighborhood and our house. This slab is placed right up to the rear property line, bordering the alley. There are some other structures in the neighborhood that sit right on or close to the rear property lines.

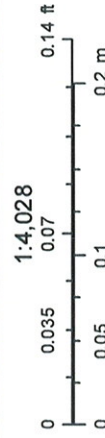
2. Strict enforcement of the zoning code causes undue hardship in three ways. The first is financial. The preexisting slab is solid, level, and has appropriate footings to support our proposed structure. Hiring a company to remove the old slab, haul off the debris, and pour a new slab would add quite a bit of cost to the project. The second hardship is time. Having to do all the concrete work just mentioned will extend our schedule by an undetermined amount of time, dependent on the availability of contractors and funds. The third hardship is tied up in the historic nature of the neighborhood. To stay true to the historic nature of the neighborhood, we need to build on the pre-existing slab.

Variance #17-5-14: From 5' to 0' rear yard setback and from accessory structure to be subordinate in height to principal building at 419 North 19th Street



April 23, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

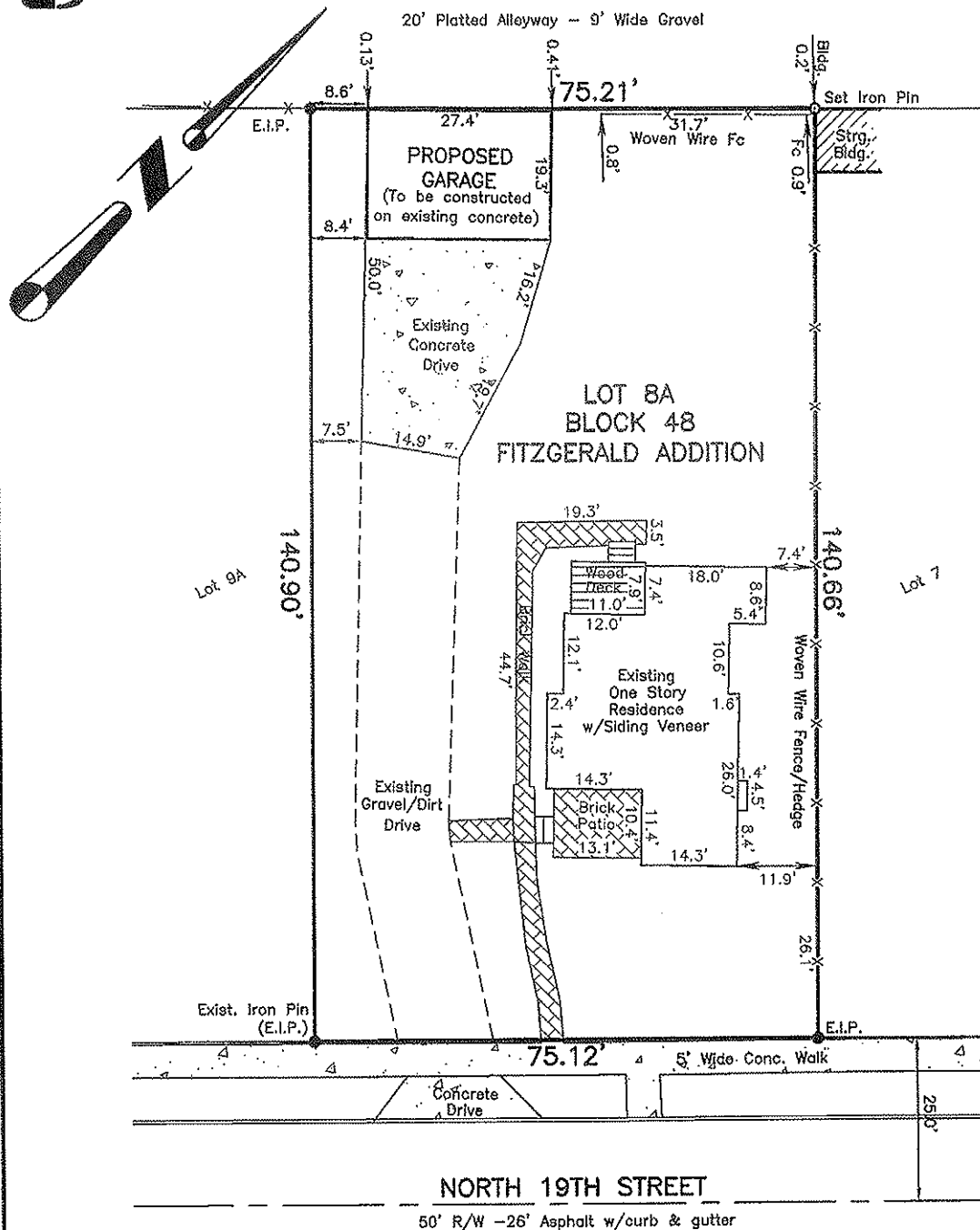


9H



Brixey Engineering & Land Surveying, Inc.

Land Surveyors - Consulting Engineers
P.O. Box 6180 Ft. Smith, Ark. 72306 (479)848-0394



I Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of Lot 8A Block 48 Fitzgerald Addition, also described as 419 N 19th Street, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

NOTE: I have determined from the Flood Insurance Rate Map for Sebastian County, Arkansas, Map No. 050131C0020E, City of Fort Smith Community No. 055013 Effective May 20, 2010 that this property does not lie in any designated flood hazard area.

Scale: 1" = 20'

Date: April 21, 2014

Drawing No. 14-0105

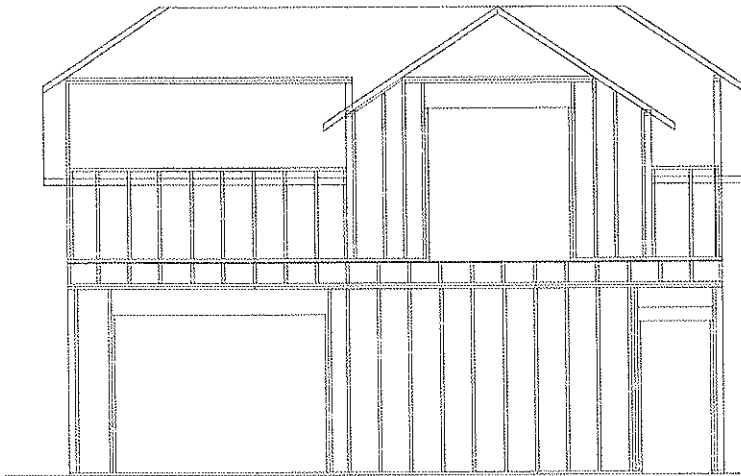
Prepared For: Jessica Hougen

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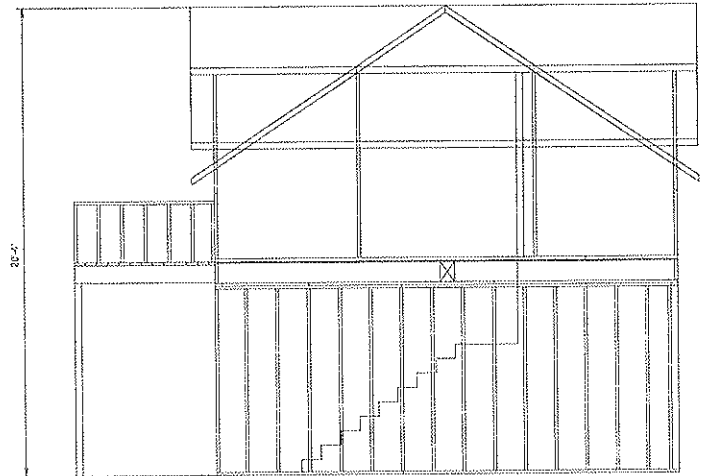
Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey Engineering & Land Surveying Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.



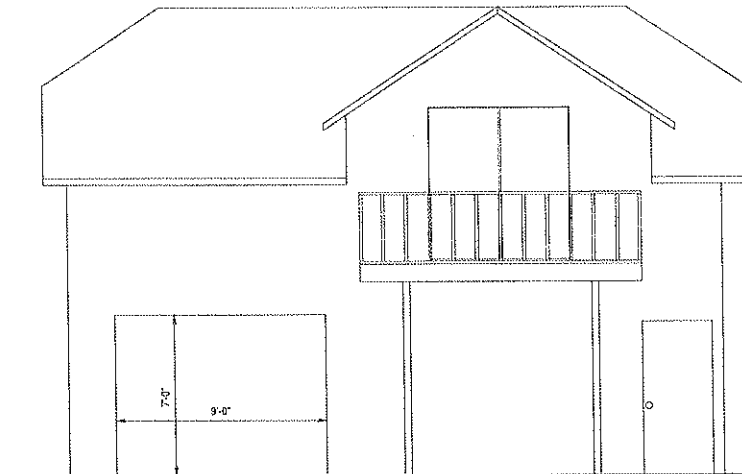
95



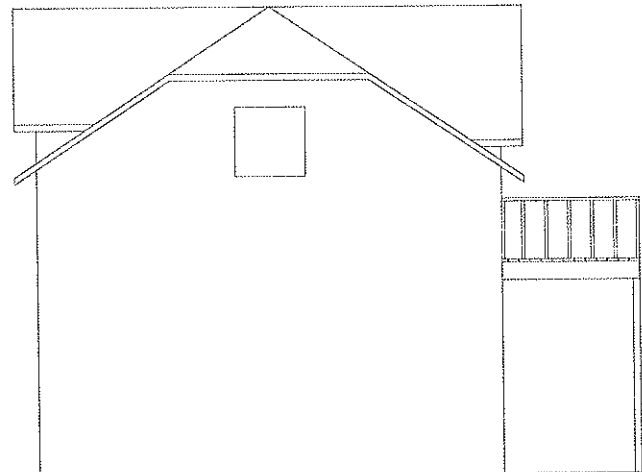
East Side Showing Framing



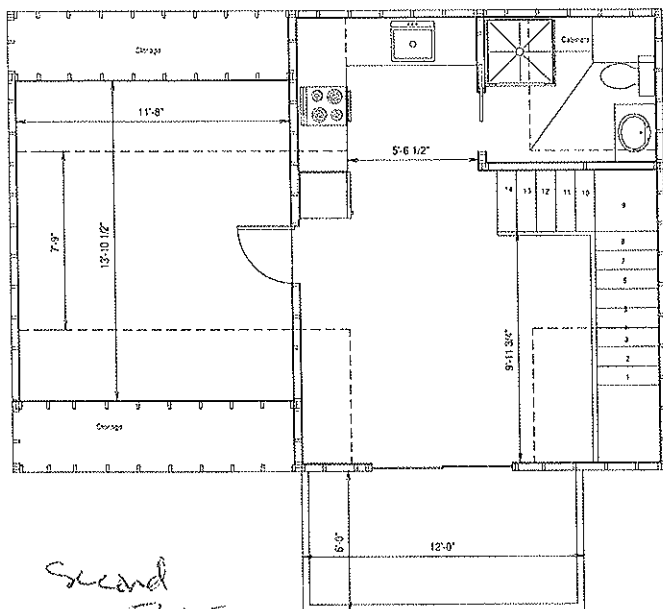
North Side Showing Framing



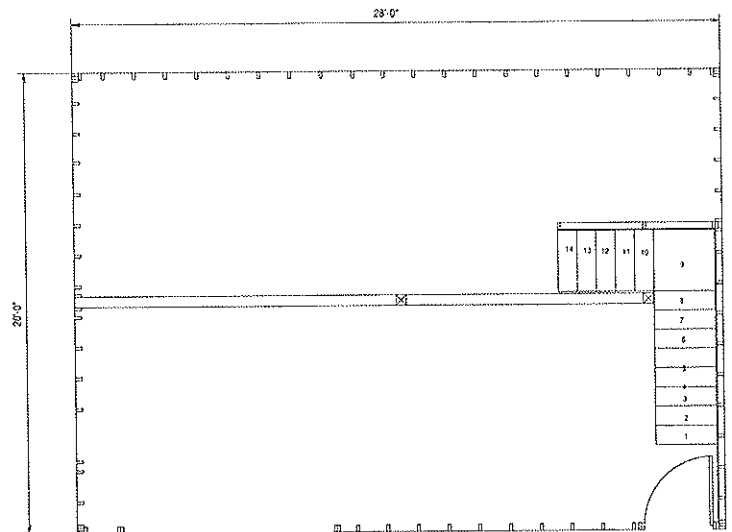
East Side



South side



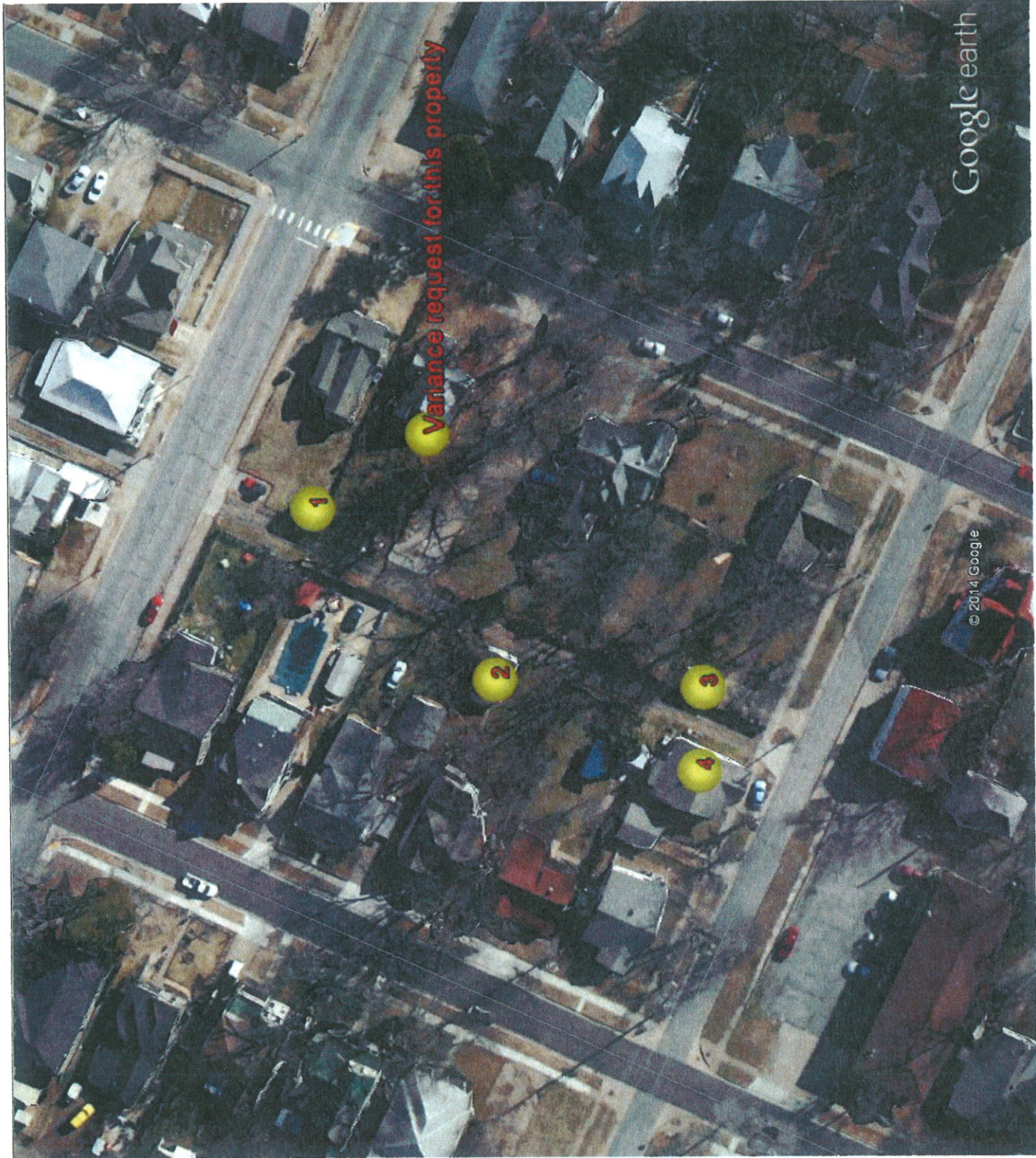
Second Floor



Ground Floor

9K

Structures constructed on or near the property line
419 North 19th Street



© 2014 Google

Google earth

feet
meters

Google earth

400

100

92



419 N 9th

9M

Pictures of 419 N 19th + surrounding structures



269 N. 19th

419 N 19th

Memo

To: City Planning Commission

From: Planning Staff

Date: April 29, 2014

Re: Variance #18-5-14 - A request by Andre Good, agent for Lorraine Booker, for Board of Zoning Adjustment consideration of a zoning variance request from 20' to 8' front yard setback and from 20' to 18' front yard setback at 1421 North 21st Street

REQUESTED VARIANCE

The approval of this variance will allow the construction of a covered porch within the front-yard setback and recognize the existing encroachment of the house.

LOT LOCATION AND SIZE

The subject property is on the west side of North 21st Street between North "L" Street and North "M" Street. The tract contains an area of 0.15 acres with approximately 50 feet of street frontage along North 21st Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The surrounding areas are zoned Residential Multifamily High Density and developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 21st Street as Local Road.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The applicant states most of the homes in the neighborhood have covered or screened front porches that encroach the front-yard setback. A covered porch will benefit the owner who is elderly and wheelchair bound. An accessible ramp will be attached to the front porch.

STAFF COMMENTS AND RECOMMENDATIONS

If the BZA is inclined to approve the request, staff recommends the following condition:

1. The covered porch shall be constructed in accordance with the submitted site plan and obtain the required building permit.

10B

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

18-5-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Bocquin Addition, Block 3, Lot 19

Address of property 1421 N 21st Street, Existing or Proposed

Zoning Classification RM-4, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

<u>20'</u> <u>20'</u>	-	<u>8'</u> <u>18'</u>	<i>to allow for covered front-yard deck</i> Front Yard Setback or Minimum Distance from Right-of-Way <i>existing house encroachment</i>
	-		Exterior Side Yard Setback
	-		Interior Side Yard Setback
	-		Rear Yard Setback
	-		Maximum Height of Structure
	-		Minimum Distance Between Structures on the Same Lot
	-		Minimum Lot Area (Square Feet)
	-		Minimum Lot Frontage
	-		Maximum Size of a Sign
	-		Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

100

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Andre' D. Good
Owner or Agent Name (please print)

479-285-4932
Owner or Agent Phone Number

1421 N. 21st Street. F.S. Ave 72964
Owner or Agent Mailing Address

Owner
or
Andre' D. Good
Agent

Variance # _____

10E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

_____ ☒

Is this variance needed because of previous actions taken by yourself?

☒ _____

Is this variance needed because of previous actions taken by a prior owner? *yes, IN PART*

☒ _____

A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?

☒ _____

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.

_____ ☒

Is the lot of an odd or unusual shape?

_____ ☒

Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?

_____ ☒

Does the lot contain required easements other than those that might be located on its perimeter?

_____ ☒

Is any part of the lot in a flood plain or flood way?

_____ ☒

Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?

☒ _____

Is the lot developed with structures in violation of current zoning requirements?

☒ _____

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

_____ ☒

10F

Explanation of question #4 (if applicable)

Most All of the other properties in the area have porches, most of which are covered or screened in. The sidewalk is old, busted up, and uneven, it's not safe for a person in a wheelchair. The yard retains water and is also uneven and hazardous.

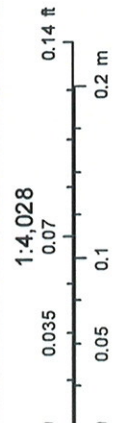
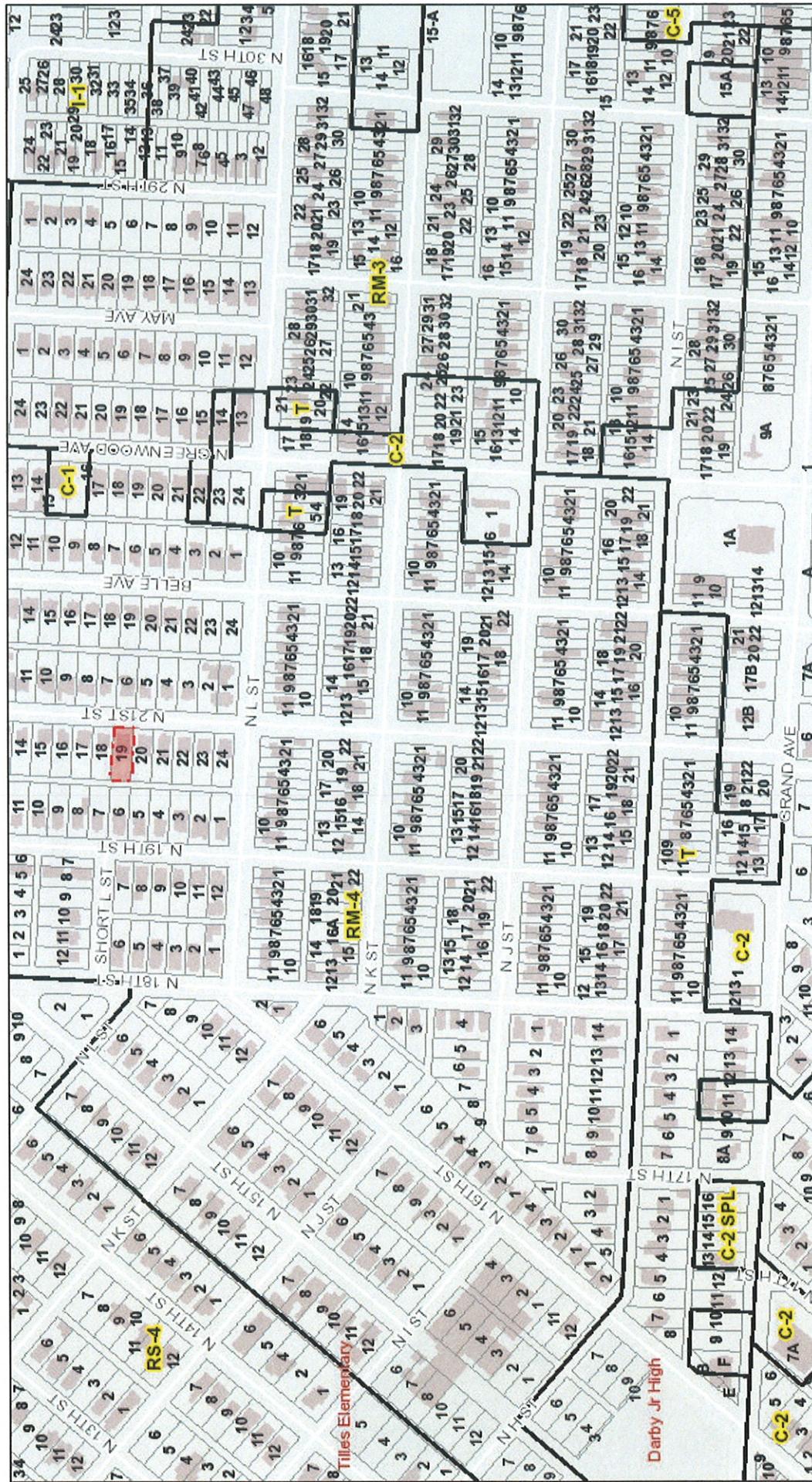
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Ms Booker is elderly and wheelchair-bound. She has recently had surgery and has had her lower left leg amputated as well as most of her right foot. She also has cancer and goes to dialysis 3 days a week. She does not drive and regularly travels on a ride via bus or van mostly.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Structure already encroaches onto the right of way.
The sidewalks are hazardous

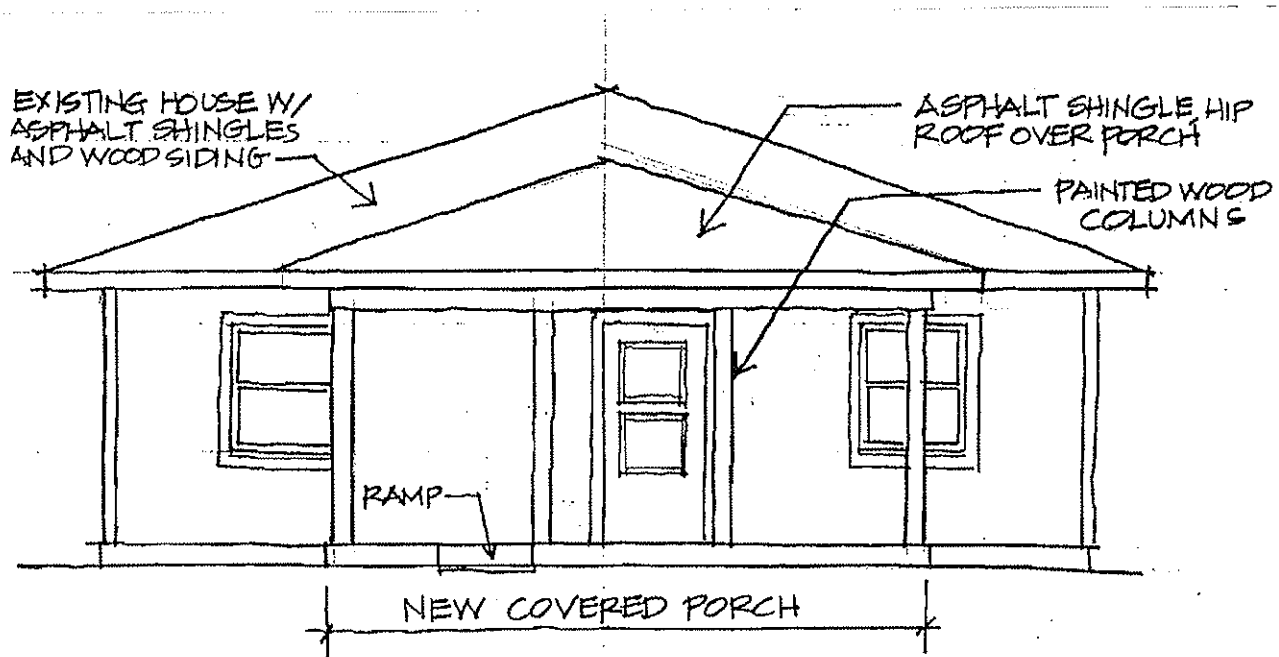
Variance #18-5-14: From 20' to 8' front yard setback 1421 North 21st Street



April 24, 2014

- ☒ Fort Smith City Limits
- ☒ Building Footprints
- ☒ Zoning
- ☒ Subdivisions

107




FRONT ELEVATION

$\frac{3}{16}" = 1'-0"$

Front Yard Variance for:

1421 N. 21st St. - Bocquin Addn.

Lot 19, Block 3 - Fort Smith, Arkansas

	-architecture -planning -interiors	DATE 4.23.2014
	6400 Riley Park Drive Fort Smith, Arkansas 72916 O: 479.782.1051 F: 479.782.6019 e: Info@mahgarch.com	MAHG PROJECT ---
	SHEET NUMBER A-2	

101